

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2004-0101, In the Matter of Michael Zybert and Tracey Zybert, the court on January 21, 2005, issued the following order:

The petitioner, Michael Zybert, appeals that portion of his divorce decree that awarded alimony to the respondent, Tracey Zybert. He contends that the trial court: (1) misinterpreted RSA 458:19, I (b); (2) erred in not specifying a duration for alimony; (3) failed to consider the tax implications of the alimony award; and (4) unsustainably exercised its discretion in finding that the wife's ability to work was only sporadic. We affirm.

The trial court has broad discretion in determining and ordering the payment of alimony in divorce proceedings. In the Matter of Levreault and Levreault, 147 N.H. 656, 657 (2002). Absent an unsustainable exercise of discretion, we will not overturn its ruling. *Id.*

In his first argument, the respondent asserts that the trial court's award of alimony is based upon a requirement that he obtain a second job. The appellate record does not contain copies of all the requested findings and rulings addressed in the trial court's order. See State v. Bergmann, 135 N.H. 97, 99 (1991) (burden on moving party to provide sufficient record to decide issue raised on appeal). The trial court found that the petitioner increased his expenses after leaving the marital home and found that his "financial information appears problematic to reconcile." Based upon the limited record before us, we find no error in the trial court's finding that the petitioner had the ability to make certain contributions to spousal support. See also State v. Berry, 148 N.H. 88, 91 (2002) (trial court decision will not be reversed when correct result reached and valid alternative grounds exist to reach it).

The petitioner also argues that the trial court erred in failing to specify the duration of the alimony award. Among its findings, the trial court found that the respondent "has been, and remains, disabled." Given the evidence presented and the extensive findings made by the trial court, we find no error in its award of an indefinite period of alimony. See RSA 458:19, I (2004).

We find the petitioner's remaining arguments unpersuasive. See Chagnon Lumber Co., Inc. v. DeMulder, 121 N.H. 173, 175 (1981) (trial court presumed to make necessary findings to support its order); Hoffman v.

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Hoffman, 143 N.H. 514, 519 (1999) (trial court in best position to evaluate evidence, measure its persuasiveness and appraise credibility of witnesses).

Affirmed.

NADEAU, DALIANIS and GALWAY, JJ., concurred.

**Eileen Fox
Clerk**

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